

**2002/2003**

## **PDO/PIO IN-LIEU FEE SCHEDULES**

**TABLE 1 - IN-LIEU FEES AND CREDITS FOR PROJECTS IN PROCESS**

Application of Table 1

The in-lieu fees charged pursuant to SJMC Chapters Chapter 14.25 and 19.38 shall be calculated based on one hundred percent (100%) of land value as indicated in the 1997 Residential Land Value Study prepared by Diaz, Diaz & Boyd, Inc., for each of the Multiple Listing (MLS) Zones and residential unit types listed in the 1990 Census.

**A) Projects Subject to SJMC Chapter 14.25 – Park Impact Ordinance.**

The fee schedule set forth in Table 1 applies to residential units subject to SJMC Chapter 14.25– Park Impact Ordinance (PIO), that were issued a Plan Development Permit, Conditional Use Permit, or Site Development Permit on or before December 31, 2002, and a building permit application is on file within one year of the date of the planning approval. If a project subject to SJMC Chapter 14.25 is not required to have one of these planning permits listed herein, then in order to be eligible for the fee schedule set forth in Table 1, a building permit application must be on file on or before December 31, 2002. If a building permit is not applied for within the given time frame, then the current fees in Table 2, or as prescribed in a subsequent resolution or ordinance of the City Council, shall apply to the residential units.

**B) Projects Subject to SJMC Chapter 19.38 – Parkland Dedication Ordinance.**

The fee schedule set forth in Table 1 also applies to residential units, or parcels, identified on a tentative map that are subject to SJMC Chapter 19.38– Parkland Dedication Ordinance (PDO), which are approved on or before December 31, 2002, and if an application for a final map is on file with within one year of such approval. If an application for a final map is not on file with the City within one year of the tentative map approval, then the current fees in Table 2, or as prescribed in a subsequent resolution or ordinance of the City Council, shall apply to the residential units or parcels.

**C) Fees for Residential Projects located in the Downtown Area and Core.**

Notwithstanding the in-lieu fees set forth in Table 1, the in-lieu fees for multi-family residential units located in the Downtown Area and Core as defined in SJMC Chapters 14.25 and Chapter 19.38 shall be \$1500 per unit. This fee shall remain in effect until December 31, 2002. Upon expiration of the \$1500 fee, the fee for multi-family units in the Downtown Area and Core will be the fee then in effect.

#### D) Downtown Area and Core Exemption

Any residential projects located within the Downtown Area or Core as defined in SJMC Chapters 14.25 and Chapter 19.38, which are subject to the PIO requirements that received a Planned Development Zoning or Planned Development Permit prior to the elimination of the exemption, (Downtown Area 8/26/01 or Downtown Core 1/6/02) are subject to a Park Impact Fee of \$0 for a period ending on July 1, 2005. Upon expiration of the \$0 fee, the fee for such residential units in the Downtown Area or Core will be the fee then in effect.

#### Sunset Provision for Table 1

The fee schedule set forth in Table 1 shall sunset on January 1, 2004.

#### Schedule of Credits

##### A) Eligibility.

1. In order to be eligible for credits, private recreation improvements must meet the requirements set forth in Chapters 14.25 or 19.38.
2. In addition, in order to receive credits for private recreation improvements, the project must either dedicate land for a public park, and/or include at least one of four following elements ("Active Elements") on site:
  - a. tot lot (play facility for children up to pre-teenage which includes active play structures or apparatus); or
  - b. picnic area (facility containing benches, tables, barbeque pits and trash receptacles); or
  - c. hard game court (hard paved surface dedicated for active recreation uses such as tennis, basketball, handball, racquetball, roller hockey, or shuffleboard); or
  - d. turf playing field (uninterrupted contiguous turf facility to accommodate informal or formal active recreation activities such as field sports).

##### B) Amount of Credit

1. Credit will be issued on the actual acreage of Active Elements.
2. If, in addition to an Active Element, the project includes a swimming pool or a recreation building, credit issued for these elements will be the lesser of:
  - a. The total square footage of the swimming pool and/or the recreation building; or
  - b. An amount equal to the total square footage of one or more Active Elements included in the project.
  - c. The total square footage of the swimming pool, spa, and/or the recreation building, if the project dedicated at least an equal

amount of public parklands for neighborhood/community serving purposes under SJMC Chapters 14.25 and 19.38.

3. Credit for swimming pools include surrounding decking/pad area and spas/Jacuzzis. Recreation buildings, in order to be eligible for credit, must be open and available on a daily basis to all projects residents.
  4. The credits issued are subject to the fifty percent (50%) cap set forth in SJMC Chapter 14.25 or 19.38.
- C) Projects which are required to pay in-lieu fees set forth in Table 1 and which are eligible to receive credits for private recreation improvements as defined in SJMC Chapters 14.25 and 19.38 shall be issued credits pursuant to the Credit Schedule above in this section.

## **TABLE 2 - REVISED IN-LIEU FEES AND CREDITS UNDER THE PDO / PIO**

### Application of Table 2

The in-lieu fees charged pursuant to SJMC Chapters Chapter 14.25 and 19.38 shall be calculated based on seventy percent (70%) of land value as indicated in the 2001 Residential Land Value Study prepared by Diaz, Diaz & Boyd, Inc., for each of the Multiple Listing (MLS) Zones and residential unit types listed in the Federal Census. Other housing types that are not included in the Federal Census may be specified in a resolution of the Council for purposes of calculating the parkland dedication requirement under Parkland Dedication and Park Impact Ordinances, SJMC Chapters 19.38 and 14.25.

#### A) Projects Subject to SJMC Chapter 14.25 – Park Impact Ordinance.

The fee schedule set forth in Table 2 applies to residential units subject to SJMC Chapter 14.25– Park Impact Ordinance, which are not eligible under the criteria for Table 1.

#### B) Projects Subject to SJMC Chapter 19.38 – Parkland Dedication Ordinance.

The fee schedule set forth in Table 2 also applies to residential units, or parcels, identified on a tentative map that are subject to SJMC Chapter 19.38– Parkland Dedication Ordinance (PDO), which are not eligible under the criteria for Table 1.

#### C) Fees for Residential Projects located in the Downtown Area and Core.

Notwithstanding the in-lieu fees set forth in Table 2, the in-lieu fees for multi-family residential units located in the Downtown Area and Core as defined in SJMC Chapters 14.25 and Chapter 19.38 shall be \$1500 per unit. This fee shall remain in

effect until December 31, 2002. Upon expiration of the \$1500 fee, the fee for multi-family units in the Downtown Area and Core will be the fee then in effect.

#### D) Downtown Area and Core Exemption

Any residential projects located within the Downtown Area or Core as defined in SJMC Chapters 14.25 and Chapter 19.38, which are subject to the PIO requirements that received a Planned Development Zoning or Planned Development Permit prior to the elimination of the exemption, (Downtown Area 8/26/01 or Downtown Core 1/6/02) is subject to a Park Impact Fee of \$0. This fee of \$0 sunsets on July 1, 2005. Upon expiration of the \$0 fee, the fee for such residential units in the Downtown Area or Core will be the fee then in effect.

#### Sunset Provision for Table 2

The fee schedule set forth in Table 2 shall be in effect until such time the City Council acts to further revise the in-lieu fees, which normally happens in June of each year.

#### Schedule of Credits

##### A) Eligibility.

1. In order to be eligible for credits, private recreation improvements must meet the requirements set forth in Chapters 14.25 or 19.38.
2. In addition, in order to receive credits for private recreation improvements, the project must either dedicate land for a public park, and/or included at least one of four following elements ("Active Elements") on site:
  - i. play lot (play facility for children and teenagers which includes active play structures or apparatus); or
  - ii. picnic area (facility containing at least three picnic tables in a grouping with barbeque pits and trash receptacles); or
  - iii. hard game court (hard paved surface dedicated for active recreation uses such as tennis, basketball, handball, racquetball, roller hockey, shuffleboard or other defined game courts); or
  - iv. turf playing field (uninterrupted contiguous turf facility at least 1/5 of an acre to accommodate informal or formal active recreation activities such as field sports).

##### B) Amount of Credit

1. Credit will be issued on the actual acreage of Active Elements on site.

2. If, in addition to an Active Element, the project includes a swimming pool, spa and/or a recreation building, credit issued for these elements will be the lesser of:
  - i. The total square footage of the swimming pool, spa and/or the recreation building; or
  - ii. An amount equal to the total square footage of one or more Active Elements included in the project; or
  - iii. The total square footage of the swimming pool, spa, and/or the recreation building, if the project dedicated at least an equal amount of public parklands for neighborhood/community serving purposes under SJMC Chapters 14.25 and 19.38.
3. Credit for swimming pools include surrounding decking/pad area and spas/jacuzzis. Recreation buildings, in order to be eligible for credit, must be open and available on a daily basis to all projects residents.
4. The credits issued are subject to the fifty percent (50%) cap set forth in SJMC Chapter 14.25 or 19.38.

C) Projects which are required to pay in-lieu fees set forth in Table 2 and which are eligible to receive credits for private recreation improvements as defined in SJMC Chapters 14.25 and 19.38 shall be issued credits pursuant to the Credit Schedule above in this section.

## **LATE FEES**

### Late Fees; Untimely Payment

A late payment fee of Ten Dollars (\$10.00) per unit or parcel per month will be added to the fees set forth in Tables 1 and 2, when an in-lieu fee is delinquent. In addition, interest at the rate of one half of one percent per month, pro rata, on the total unpaid balance, including late payment fees, shall be assessed from the date the payment of the fees becomes delinquent until the date that all past due amounts are paid to the City.

### Late Fees; Untimely Improvements

A late payment fee of Ten Dollars (\$10.00) per unit or parcel per month will be assessed whenever improvements required to be constructed by a Parkland Agreement are not completed within the time required by the Parkland Agreement. In addition, interest at the rate of one half of one percent per month, pro rata, of the total amount credited for the improvements shall be assessed from the date the private recreation improvements were to be completed until the actual date of completion.